

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION

(PCT Rule 66)

22.11.04 + 2m = 22.1.05

Date of mailing  
(day/month/year)

22.11.2004

Applicant's or agent's file reference  
R2647-PCT

REPLY DUE

within 2 month(s)  
from the above date of mailing

International application No.  
PCT/EP 03/13327

International filing date (day/month/year)  
26.11.2003

Priority date (day/month/year)  
26.11.2002

International Patent Classification (IPC) or both national classification and IPC  
B01J2/10

Applicant  
UNIVERSITEIT GENT

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 26.03.2005

Name and mailing address of the international preliminary examining authority:



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**WRITTEN OPINION**International application No. **PCT/EP 03/13327****I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-34 as originally filed

**Claims, Numbers**

1-37 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b));
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**WRITTEN OPINION**

International application No. **PCT/EP 03/13327**

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**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1,3,5,15,17,19,25
Inventive step (IS)	Claims	1-37
Industrial applicability (IA)	Claims	

**2. Citations and explanations**

**see separate sheet**

**WRITTEN OPINION  
SEPARATE SHEET**

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**Re Item V**

1. The following document is referred to in this communication:

D1: US-A-4416606

2. The present application does not meet the requirements of Article 33(1)(2) because the subject-matter of claim 1 is not new.

2.1 Document D1 describes a device for the wet granulation of material (col. 1, lines 5-9). The device comprises (cf. col. 3, line 5-col. 4, line 60; figures 1-5) a housing (reference 1 in the figures), inlet means for the mixture solid-liquid (reference 7 in the figures) and a twin screw system, comprising a first transport zone (reference I in the figures) an agglomeration zone (reference II<sub>1</sub> in the figures) and a second transport zone (reference II<sub>2</sub>). It has to be pointed out that in the present application it is not specified how is the movement (forward or backward) in the second transport zone. A final zone is provided with means for breaking the agglomerates. These last means are not creating a pressure gradient at the outlet of the granulation device, as can be seen clearly in the figures, specially figures 2 and 5. Thus, all the elements of the apparatus as disclosed in claim 1 of the present application can be identified in the apparatus of D1. Accordingly, the subject-matter of claim 1 is not new.

3. Document D1 also discloses a process for preparing granules using the apparatus and including all the steps of claim 15, which is therefore not new (Article 33 PCT).

4. Moreover, the disclosure of D1 anticipates the features of dependent claims 3, 5, 17, 19 and 25. Thus, the subject-matter of these claims is not new (Article 33).

5. Claims 32-37 are directed to the granules prepared using the apparatus and/or method of the previous claims. Since the apparatus and the method are not new, the granules cannot be considered as new. Furthermore, it has to be noted that, as advantages of the claimed apparatus and method, only economic reasons (less liquid, simple apparatus are cited). There are no specific characteristics of the granules prepared using the claimed apparatus or method and therefore it is impossible to distinguish the granules prepared according to the claimed invention from similar granules prepared using a different apparatus or method.

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6. The dependent claims 2, 4, 6-14, 16, 18, 20-24 and 26-31 do not appear to contain any feature which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(1)(3)).